

MINUTES OF THE METRO COUNCIL MEETING

Thursday, February 3, 2005
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Robert Liberty, Carl Hosticka, Rod Park, Brian Newman

Councilors Absent: Rex Burkholder (excused)

Council President Bragdon convened the Regular Council Meeting at 2:00 p.m.

1. INTRODUCTIONS

David Biedermann and Cinna'mon Williams described the Minority Women and Small Business Enterprise (MWSBE) program and announced that Brian Phillips had received an award for awarding contracts to Minority Women and Small Business vendors. Council President Bragdon presented Mr. Phillips with the award.

2. CITIZEN COMMUNICATIONS

There were none.

3. DEPARTMENT OF ENVIRONMENTAL QUALITY'S (DEQ'S) PRESENTATION ON WILLAMETTE BASIN TOTAL MAXIMUM DAILY LOAD PLAN (TMDL) AND METRO'S ROLE AS A DESIGNATED MANAGEMENT AGENCY

Paul Ketcham, Planning Department, said they had been discussing the Total Maximum Daily Plan (TMDL) with Department of Environmental Quality (DEQ) and exploring our role as a designated management agency (DMA). He introduced Mr. Dick Pedersen from DEQ and members of his staff.

Dick Pedersen, Northwest Regional Manager for DEQ, presented the Willamette Basin Total Maximum Daily Load Plan (a copy of the power point is included in the record). He explained why they did a TMDL and the process for a TMDL. He spoke to DEQ's framework. The Clean Water Act obligated DEQ to protect beneficial purposes by developing water quality standards, classifying water bodies that did not meeting water quality standards, developing TMDLs for water quality limited water bodies, and TDML implementation via permits, implementation plans and other state and local mechanisms.

Councilor Liberty asked for clarification on federal requirements. Mr. Pedersen responded to his question and the link to DEQ's TMDLs. He then continued with his presentation by explaining what a TMDL was. Councilor Liberty asked about water temperature. Councilor Hosticka asked about the TMDL equation. Mr. Pedersen explained the process of the equation and water temperature issues.

Mr. Pedersen spoke to the designated management agency role. Councilor Liberty asked about sector and source implementation plans and who was responsible for managing these? Mr. Pedersen responded it was a combination of agencies that were working together on TDMLs such as the US Army Corps, federal land management agencies, and Department of Agriculture.

Mr. Pedersen reviewed the Willamette Basin and how they were going to bring those bodies of water back into compliance. Councilor Hosticka asked about the Tualatin River. Mr. Pedersen said its TMDL was completed so it was delisted. The river were still impaired but not listed on the TMDL list. He talked about pollutants; the three basic areas included temperature, bacteria and toxics. He said temperature had been a real challenge to DEQ. They had looked at effective shade to cool the water. Councilor Hosticka asked how far up on a watershed they went? Mr. Pedersen said the shade curves went all the way up the river or creek and could include intermittent streams. It was basin-wide in terms of targets. The allocation for temperature was what you had versus what you needed. He talked about the mercury issue, which was a system wide problem. They were working to reduce mercury by 27%. They were still collecting data to refine the information on mercury. He summarized the bacteria problem and noted that the City of Portland was making a great effort to reduce bacteria in the river.

Mr. Pedersen shared implementation plans and the strategies to meet the allocations. He spoke to the timeline for submitting implementation plans for the Willamette Basin. He acknowledged Metro's work in this area and indicated that Metro was doing a great job of assisting in this process. He felt that Metro's proposed Fish and Wildlife Habitat program was a model for having healthy streams in an urban environment. He liked the variety of approaches that Metro was proposing to achieving improved stream quality. He talked about their adaptive management approach and how it was key to the success of the program. Councilor Hosticka asked how often they took measurements of the pollutants. Mr. Pedersen said it varied with the pollutants and depended on the geographic area. Councilor Hosticka asked about the ambient water quality program. Mr. Pedersen responded that they were monitored at least monthly but they also measured other aspects of the water.

Councilor McLain said DEQ had been working on this for over 20 years. This type of work would never be done. We knew we needed to improve and it was important to get started improving. Councilor Hosticka asked how DEQ qualified Designated Management Agencies (DMA). Mr. Pedersen responded to his question. Another important component was how Metro's role integrated with the other activities in the region. Councilor Liberty asked if DEQ was courting Metro or were we in the early exploratory stage? Mr. Pedersen said the Environmental Quality Commission (EQC) had not specifically discussed Metro's role in the TMDL. It had established the role that DEQ would name the DMAs. Metro had been named as a DMA. DEQ would continue to work with Metro staff. Greg Aldrich, DEQ, said Metro had authority for certain areas that no other entity had authority for in the region. He spoke to the regional role that Metro could play in facilitation. Councilor Hosticka said they wanted to see improvement in Johnson Creek. Their program would create some improvement. Would they be a DMA directly or would the jurisdictions around the creek be DMAs? Mr. Pedersen responded all jurisdictions in the region were DMAs.

4. CONSENT AGENDA

4.1 Consideration of minutes of the January 27, 2005 Regular Council Meetings.

Motion:

Councilor Liberty moved to adopt the meeting minutes of the January 27, 2005 Regular Metro Council.

Vote:

Councilors McLain, Liberty, Newman, Hosticka and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed with Councilor Park absent from the vote.
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5. ORDINANCES – FIRST READING

5.1 **Ordinance No. 05-1071**, For the Purpose of amending the FY 2004-05 budget and appropriations schedule recognizing \$10,000 in grant funds; transferring \$79,640 from the regional parks operating fund contingency; increasing operating expenditures in the regional parks operating fund by \$89,640; authorizing 1.0 FTE receptionist position; and declaring an emergency.

Council President Bragdon assigned Ordinance No. 05-1071 to Council.

6. RESOLUTIONS

6.1 **Resolution No. 05-3531**, For the Purpose of Authorizing the Chief Operating Officer to Donate Two Parcels of Land to the Oregon Department of Transportation.

Motion:	Councilor Newman moved to adopt Resolution No. 05-3531.
Seconded:	Councilor Hosticka seconded the motion

Councilor Newman said this donation had to do with the Trolley Trail. This resolution allowed the Chief Operating Officer (COO) to transfer two small parcels to Oregon Department of Transportation (ODOT) to undertake the McLoughlin Boulevard project. The hope was to beautify and pedestrianize the downtown area of Milwaukie and to allow better access to their riverfront. He urged an aye vote.

Vote:	Councilors Hosticka, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.
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6.2 **Resolution No. 05-3532**, For the Purpose of Authorizing the Chief Operating Officer to Transfer Real Property to the North Clackamas Parks and Recreation District.

Motion:	Councilor Newman moved to adopt Resolution No. 05-3532.
Seconded:	Councilor McLain seconded the motion

Councilor Newman said this resolution transferred property to the North Clackamas Parks and Recreation District. Metro had purchased the land and had entered into an intergovernmental agreement to provide acquisition, planning and management services for the Trolley Trail. This resolution transferred the right-of-way back to North Clackamas Parks and Recreation District. They would have title to the property. He urged support. Council President Bragdon said both of these transactions showed how complicated some of the deals were. Councilor McLain acknowledged Mel Huie’s contribution to this work. Councilor Newman added that he was very excited about the project. He thanked all of the citizens who had worked on this project.

Vote:	Councilors Hosticka, Newman, McLain, Liberty, and Council President Bragdon voted in support of the motion. The vote was 5 aye, the motion passed.
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7. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordon, COO, said the Council had received a report from the auditor about previous audits that had been done. Two things came out of the report. Bill Stringer, Chief Financial Officer (CFO), had put together a process for monitoring those audits and would be reporting to the Council quarterly. He spoke to our contracting efforts and improvements.

8. COUNCILOR COMMUNICATION

Council President Bragdon announced that next week would be an off-site Council meeting. Councilor McLain said next week Council would be meeting at Portland Community College (PCC) Rock Creek at 5:30 p.m. She urged participation of the citizens. They had also invited the Student Council groups as well as the PCC President to speak.

9. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 3:14 p.m.

Prepared by

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF FEBRUARY 3,
2005**

Item	Topic	Doc Date	Document Description	Doc. Number
4.1	Minutes	January 27, 2005	Metro Council Meeting Minutes of January 27, 2005	020305c-01
3.0	Power Point Presentation	2/3/05	To: Metro Council From: Dick Pedersen, DEQ Re: Power Point Presentation on Willamette Basin TMDL	020305c-02
3.0	Letter	1/31/05	To: Manette Simpson, Oregon Department of Environmental Quality From: Michael Jordan, COO Re: Comments on Draft Willamette Basin TMDL	020305c-03